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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,596	08/09/2001	Zhong-Hua Wang	YOR9-2001-0451US1 (8728 -	5429
22150	7590	09/20/2006	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EHICHIOYA, FRED I	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,596

Applicant(s)

WANG ET AL.

Examiner

Fred I. Ehichioya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 7, and 9 - 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 7, and 9 - 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications filed June 27, 2006.
2. Claims 1 – 7, and 9 – 33 are pending.

Response to Arguments

3. Applicant's arguments filed on June 27, 2006 have been fully considered but they are not persuasive for the following reasons:

4. Applicant's main argument:

The combination of references does not disclose wherein said step of updating the database comprises the step of automatically adapting the weights for the names in the database, based upon a transaction volume over a predetermined period of time (page 9, paragraph 3).

Examiner respectfully disagrees all of the allegations as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The combination of Weber, Chen and Buist clearly suggests "updating the database comprises the step of automatically adapting the weights for the names in the database, based upon a transaction volume over a predetermined period of time".

Weber teaches updating the database (column 2, lines 48 – 51) comprises the step of automatically adapting the weights for the names in the database (column 3, lines 20 – 25) and Buist teaches a transaction volume over a predetermined period of time (Fig. 6 step 677 and column 13, lines 25 - 27).

The motivation to combine these cited references is that Buist's teaching of "transaction volume" would have allowed Weber and Chen's system to support an improved human interface and a continuous display of real-time stock quotes on the user's computer screen as suggested by Buist at column 2, lines 65 - 67.

In view of the above and the rejections under 35 USC § 103 below that is applicable herewith, the examiner contends that the rejection of the last Office Action is proper and all limitations as recited in the claims have been addressed in this Office Action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 – 7, and 9 - 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,499,013 issued to Dean Weber (hereinafter “Weber”) in view of USPN 6,067,514 issued to Chengjun Julian Chen et al (hereinafter “Chen”) and further in view of USPN 6,408,282 issued to Walter D. Buist (hereinafter “Buist”).

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Regarding claims 1, 13 and 22, Weber teaches a computer-implemented method for automatically updating stock and mutual fund grammars in a speech recognition system, comprising the steps of:

automatically updating, on a pre-specified basis (column 4, lines 48 – 51), a database having a plurality of entries (column 8, lines 19 – 31), each entry respectively corresponding to a publicly traded stock or a publicly traded fund, and the entry comprising at least one name of the publicly traded stock or publicly traded fund (Fig. 4 steps 412B, 412C and column 7, lines 40 - 44), a weight for the at least one name (Fig. 3B step 334 and column 8, lines 6 – 18);

automatically updating a grammar file to correspond with the updated database, the grammar file including the names (column 3, lines 39 – 41) and weights for the names (Fig. 3B step 334 and column 8, lines 6 – 18).

wherein updating the database (column 2, lines 48 – 51) comprises the step of automatically adapting the weights for the names in the database (column 3, lines 20 – 25).

Weber does not explicitly teach baseform and transaction volume over a predetermined period of time as claimed.

Chen teaches baseform of the at least one name (column 5, lines 24 - 42);

Wherein each of the baseform form corresponds to a pronunciation of each of the at least one name (column 5, lines 24 – 34)

Buist teaches wherein the weight is determined based on a transaction volume of at least one name (Fig. 14 step 1450 and column 13, lines 25 – 27); and

a transaction volume over a predetermined period of time (Fig. 6 step 677 and column 13, lines 25 - 27).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Chen' teaching of "baseform" would have allowed Weber's system to assign at least one baseform to each punctuation mark corresponding to silence and non-word noise as suggested by Chen at column 2, lines 1 - 13.

Further, Buist' teaching of "transaction volume" would have allowed Weber and Chen's system to support an improved human interface and a continuous display of real-time stock quotes on the user's computer screen as suggested by Buist at column 2, lines 65 - 67.

Regarding claims 2, 14, and 23, Weber teaches the steps of:

automatically identifying, from web sites, stocks and funds that are no longer listed on a market (column 10, lines 61 - 64); and

automatically removing from the database any of the plurality of entries corresponding to the identified stocks and funds (column 10, lines 64 - 66).

Regarding claims 3, 15 and 24, Weber teaches the steps of:

automatically identifying, from web sites, newly listed stocks and newly listed funds, if any (column 10, lines 27 - 30); and

automatically creating an entry in the database for each of the newly listed stocks and the newly listed funds (column 110, lines 48 - 51).

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Regarding claims 4, 21 and 25, Weber, Chen and Buist disclose the claimed subject matter as discussed in claims 1, 13 and 22 respectively. Weber teaches the steps of:

determining the weights for the names of the newly listed stocks and the newly listed funds (column 8, lines 6 - 9).

Weber or Buist does not explicitly teach baseform as claimed.

Chen teaches generating the baseform of the names of the newly listed stocks and the newly listed funds (column 5, lines 24 - 34).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Chen's teaching of "baseform" would have allowed Weber and Buist's system to assign at least one baseform to each punctuation mark corresponding to silence and non-word noise as suggested by Chen at column 2, lines 1 - 13.

Regarding claims 5, 16 and 26, Weber, Chen and Buist disclose the claimed subject matter as discussed in claims 1, 13 and 22 respectively. Weber teaches the steps of:

assigning a corresponding weight to each of the plurality of bands (see column 4, lines 51 - 57).

Weber or Chen does not explicitly teach transaction volume as claimed.

Buist teaches identifying the transaction volumes of any stocks and funds for which an entry exists in the database (see Fig. 6 step 677 and column 13, lines 25 - 27);

quantizing the transaction volumes into a plurality of bands (see column 13, lines 37 – 40).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Barr's teaching of "transaction volume" would have allowed Weber and Chen's system to support an improved human interface and a continuous display of real-time stock quotes on the user's computer screen as suggested by Buist at column 2, lines 65 - 67.

Regarding claims 6 and 27, Weber teaches wherein a given corresponding weight assigned to a given band corresponds to each of the names of any of the stocks and funds in the given band (column 8, lines 6 - 18).

Regarding claims 7, 17 and 28, Weber, Chen and Buist disclose the claimed subject matter as discussed in claims 1, 13 and 22 respectively. Weber teaches the steps of:

automatically combining short words in the database to form combined words (column 1, lines 35 – 41), a short word being a stock name or a fund name that has less than a predefined number of phonemes (column 10, lines 9 - 12);

updating the grammar file to include the combined words (column 2, lines 48 - 51).

Weber or Buist does not explicitly teach baseform as claimed.

Chen teaches automatically generating the baseform for the combined words (column 5, lines 24 – 34).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Chen's teaching of "baseform" would have allowed Weber and Buist's system to assign at least one baseform to each punctuation mark corresponding to silence and non-word noise as suggested by Chen at column 2, lines 1 - 13.

Regarding claims 18 and 29, Weber, Chen and Buist disclose the claimed subject matter as discussed in claims 13 and 22 respectively.

Weber teaches wherein said step of updating the database (column 4, lines 48 – 51) comprises the step of automatically adapting the weights for the names in the database (column 3, lines 20 – 23).

Weber or Chen does not explicitly teach transaction volume as claimed.

Buist teaches based upon a transaction volume over a predetermined period of time (Fig. 6 step 677 and column 13, lines 25 - 27).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Buist's teaching of "transaction volume" would have allowed Weber and Chen's system to support an improved human interface and a continuous display of real-time stock quotes on the user's computer screen as suggested by Buist at column 2, lines 65 - 67.

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Regarding claims 9 and 30, Weber teaches wherein said step of updating the database is performed on a pre-specified basis (column 4, lines 48 - 51).

Regarding claims 10 and 31, Weber teaches wherein the pre-specified basis is daily (column 10, lines 9 - 10).

Regarding claims 11, 19 and 32, Weber teaches wherein each of the plurality of entries further comprises one of corresponding resolved stock names or corresponding resolved fund names, if any (column 10, lines 9 - 12).

Regarding claims 12, 20 and 33, Weber teaches wherein each of the plurality of entries further comprises corresponding stock nicknames or corresponding fund nicknames, if any (Fig. 4 steps 421B and 412C).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 571-272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

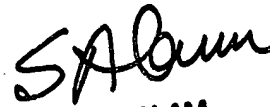
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Fred I. Ehichioya
Patent Examiner
Art Unit 2162

September 16, 2006


SHAHID ALAM
PRIMARY EXAMINER